IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 21874 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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TARUNBHAI G BAKHAI
Versus
CHIEF CONTROLLING REVENUE AUTHORITY AND OTHERS

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Appearance :
MR SANDEEP N BHATT for Petitioner.
MS MD MEHTA, AGP for Respondents.

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CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 24/08/2007

ORAL JUDGMENT

1. Rule. Learned AGP, Ms.Mehta, appearing for the respondents, waives service.

2. Petitioner has invoked Article 226 of the Constitution for challenging order dated 23-2-2007 made under the provisions of Section

32 B of the Bombay Stamp Act, 1958 (for short "the Act") by the Chief Controlling Revenue Authority.

3. It was fairly conceded on behalf of the respondents that the impugned order was a non-speaking order and did not reflect consideration, much less, proper consideration of the grounds agitated on behalf of the petitioner in his appeal. Therefore, the impugned order was liable to be set aside with the direction to reconsider the appeal of the petitioner.

4. Accordingly, the petition is allowed and the impugned order dated 23-2-2007 of the Chief Controlling Revenue Authority is set aside with the direction to reconsider the so-called stamp appeal of the petitioner in accordance with law and decide the same after affording to the petitioner an opportunity of being heard. Rule is made absolute accordingly with no order as to costs.

(D.H.Waghela, J.)

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